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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED UPON INVESTMENT IN  
THE FIESTA OAK VALLEY LOAN**

**Date of Hearing: October 18, 2011**

**Time of Hearing: 1:30 p.m.**

**Estimated Time for hearing: 10 min.**

**THE USACM LIQUIDATING TRUST IS OBJECTING IN PART TO THE  
CLAIM THAT YOU FILED. TO THE EXTENT YOUR CLAIM IS BASED UPON  
AN INVESTMENT IN THE FIESTA/USA OAK VALLEY LOAN, THE USACM  
TRUST SEEKS TO DISALLOW 80% OF YOUR CLAIM AND ALLOW 20% OF  
YOUR CLAIM. THE USACM TRUST CONTENDS THAT YOU DO NOT HAVE  
A COMPLETELY VALID CLAIM BASED UPON YOUR INVESTMENT IN THIS  
LOAN BECAUSE YOU MITIGATED YOUR DAMAGES OR HAD THE  
OPPORTUNITY TO MITIGATE YOUR DAMAGES AND DID NOT TAKE IT.  
THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE EXTENT IT IS  
BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

1       **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
2       **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**  
3       **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
4       **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**  
5       **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**  
6       **HINDERAKER (520-629-4430).**

7       **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
8       through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon  
9       Investment in the Fiesta/USA Oak Valley Loan (with Certificate of Service) (the  
10      “Objection”). Your Proof of Claim number and other information regarding your claim is  
11      provided in **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has  
12      requested that this Court enter an order, pursuant to section 502 of title 11 of the United  
13      States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy  
14      Procedure (the “Bankruptcy Rules”), disallowing 80% and allowing 20% of your Proof of  
15      Claim to the extent it is based upon an investment in the Fiesta/USA Oak Valley Loan.  
16      The Objection will not impact your Claim to the extent it is based upon an investment in a  
17      different loan.

18      **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
19      before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
20      Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
21      **October 18, 2011, at the hour of 1:30 p.m.**

22      **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON OCTOBER**  
23      **18, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**  
24      **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**  
25      **HEARD ON THAT DATE.**  
26

1           **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any  
2 response to the objection must be filed and service must be completed no later than  
3 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant  
4 facts and any relevant legal authority.

5           If you object to the relief requested, you *must* file a **WRITTEN** response to this  
6 pleading with the Court. You *must* also serve your written response on the person who  
7 sent you this notice.

8           If you do not file a written response with the Court, or if you do not serve your  
9 written response on the person who sent you this notice, then:

- 10           • The Court may *refuse to allow you to speak* at the scheduled hearing; and  
11           • The Court may *rule against you* and sustain the objection without formally  
12 calling the matter at the hearing.

13           Dated: September 15, 2011

14           LEWIS AND ROCA LLP

15           By s/John Hinderaker (AZ 18024)

16           Robert M. Charles, Jr., NV 6593

17           John Hinderaker, AZ 18024 (*pro hac vice*)

18           Marvin Ruth, NV 10979

19           3993 Howard Hughes Parkway, Suite 600

20           Las Vegas, Nevada 89169

21           E-mail: JHinderaker@lrlaw.com

22           Attorneys for the USACM Liquidating Trust

23           Copy of the foregoing and pertinent  
24 portion of Exhibits deposited in first  
25 class postage prepaid U.S. Mail on  
26 September 15, 2011 to all parties listed  
on Exhibit A attached.

23           **Debt Acquisition Company of America**  
24           1565 Hotel Circle South, Suite 310  
25           San Diego, CA 92108  
26           [info@daca4.com](mailto:info@daca4.com)

LEWIS  
AND  
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LLP  
LAWYERS

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LEWIS AND ROCA LLP

s/ *Matt Burns*

Matt Burns, Paralegal